

This Calendar Item No. 26  
was approved as Minute Item  
No. 26 by the State Lands  
Commission by a vote of 2  
0 at its 7-22-76

MINUTE ITEM

7/22/76  
BPW

26. COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN SEVEN MILE  
SLOUGH, SACRAMENTO COUNTY; GRACE E. CHRISTIANSEN - WP 4049.

During consideration of Calendar Item 26, the Commission approved the item as presented by a vote of 2-0. However, at this time, Carroll Christiansen, husband of the applicant, appeared. Mr. Christiansen requested that a monetary adjustment be inserted in his lease compatible to other marinas in the area. He indicated he had no alternative but to sign his lease effective April 26, or he would have been without a lease. However, he understood that there were lawsuits pending objecting to the new rental increases.

Chairman Cory inquired about the status of the litigation to which Mr. Christiansen referred. Mr. R. C. Hight, Staff Counsel, advised there are no pending lawsuits in Seven Mile Slough, the location of Mrs. Christiansen's lease. Litigation is currently only on the Sacramento River. Mr. Hight indicated that it is staff's opinion the present rental for this lease is fair and just in that area.

Commission-alternate Sid McCausland asked Mr. Christiansen if he felt the value of the land, taking into consideration the Delta's desirability for recreational use, had increased since his lease was originated eight years before. Mr. Christiansen stated that at the beginning of the lease, he charged his customers \$49/month and has since had to increase the rates to \$65. However, he indicated that his main objective was to have the same comparable rental rate as another lessee in the area. Mr. William F. Northrop advised that the new River Marina and Waterways Liaison Committee has been established to work out these problems.

After a brief discussion concerning the possibilities of litigation, Chairman Cory stated that until a lawsuit is filed, the Commission must abide by its present rules of regulations.

Upon motion duly made and carried, the resolution as presented in Calendar Item 26 attached, was approved by a vote of 2-0.

Attachment: Calendar Item 26 (4 pages)

CALENDAR ITEM

7/76  
WP 4049  
EPW

26.

COMMERCIAL LEASE

APPLICANT: Grace E. Christiansen  
635 Hermitage Street  
San Jose, California 95134

AREA, TYPE LAND AND LOCATION: An 0.538 acre parcel of tide and submerged land in Seven Mile Slough, south of Isleton, Sacramento County.

LAND USE: Maintenance of a commercial marina.

TERMS OF ORIGINAL LEASE: Initial period: 8 years, from April 28, 1968.

Renewal options: 1 successive period of 11 years.

Surety bond: \$3,000.

Public liability insurance: \$300,000/\$600,000 per occurrence for bodily injury and \$100,000 for property damage.

Consideration: \$162.50.

TERMS OF REPLACEMENT LEASE: Initial period: 11 years, from April 28, 1976.

Surety bond: \$3,000.

Public liability insurance: \$300,000 combined single limit for bodily injury and property damage.

CONSIDERATION: \$488 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION: 8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES: Applicant is owner of upland. \$488 rental deposit has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11. 956

A 4

S 4

CALENDAR ITEM NO. 26. (CONTD)

OTHER PERTINENT INFORMATION:

1. Inasmuch as Paragraphs 19 and 20 of the parent lease PRC 4049.1 executed March 28, 1969, provides for changes, alterations, amendments and such other reasonable terms and conditions as the State might impose, staff recommends that all amendments to the terms and conditions of the existing lease document, and amendments thereto, be accomplished by the issuance of a lease document in current use, a copy of which is on file in the office of the State Lands Commission. A condition of the lease is the mutual consent to terminate the former lease upon approval of this replacement lease.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ.; AND 2 CAL. ADM. CODE 2907.
2. FIND THAT THE GRANTING OF THIS APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED BY THE COMMISSION AT ITS DECEMBER 1, 1975 MEETING.
3. AUTHORIZE ISSUANCE TO GRACE E. CHRISTIANSEN OF AN 11-YEAR COMMERCIAL LEASE FROM APRIL 28, 1976; IN CONSIDERATION OF

CALENDAR ITEM NO. 26. (CONTD)

ANNUAL RENT IN THE AMOUNT OF \$488 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH A PROVISION OF A \$3,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 4049

A parcel of tide and submerged land, situate in the State owned bed of Seven Mile Slough, Sacramento County, California, in projected Section 10, T3N, R3E, M.D.M., more particularly described as follows:

BEGINNING at a point on the southerly bank of said Seven Mile Slough which bears S 62° 37' E, 860 feet from a California State Lands Commission brass cap set in concrete stamped "JAC 1969", and having California Zone 2 co-ordinates of Y=164,301.93 and X=2,106,973.68 as shown on Record of Survey of Owl Island, filed October 6, 1969 in Book 27 of Surveys Page 9, Sacramento County Records; thence S 85° 40' E, 223.00 feet; thence N 4° 20' E, 126.00 feet; thence N 85° 40' W, 223.00 feet; thence S 4° 20' W, 126.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Seven Mile Slough.

Co-ordinates, bearings and distances used in the above description are based on the California Co-ordinate System, Zone 2.

END OF DESCRIPTION.

Prepared *J. M. Down* Checked *R. L. Blake*  
Reviewed *A. J. Kinnocks* Date *3/22/76*